

REMARKS

With the present communication, claim 26 is amended. No new matter is added. Support for the amendment can be found throughout the specification as filed, including at page 3 line 25, page 15 (Example 1), and page 18 (Example 5). Upon entry of the present amendment, claims 1-21, and 26-27 will be pending, with claims 26-27 under examination. Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and the reasons that follow.

Objections

In the Office Action, the Examiner objected to the application abstract as directed to non-elected subject matter. By the present communication, the abstract is amended to recite:

The present disclosure provides methods for modulating the cholesterol level of a cell. In some aspects, methods relate to contacting a cell with one or more cholesterol-modulating compounds, thereby increasing or decreasing the cholesterol level of the cell.

Applicants respectfully request that this objection be withdrawn.

Claim Rejections – 35 USC § 102

Claims 26 and 27 are rejected under 35 U.S.C. § 102(b) as allegedly anticipated by U.S. Pat. No. 6,713,057 to Chatterjee, issued 30 Mar. 2004 (“Chatterjee”). Applicants respectfully traverse this rejection for the reasons that follow.

As stated in the M.P.E.P., “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” M.P.E.P. § 2131, quoting *Verdegaal Bros. v. Union Oil Co. of Cal.*, 814 F.2d 628, 631 (Fed. Cir. 1987).

The Examiner asserts that Chatterjee discloses a method of modulating serum cholesterol levels by administering a ceramide as an effector of sterol regulatory binding protein-1 (SRBP-1), which promotes cellular internalization of serum cholesterol. Office Action, p. 3. The Examiner notes, however, that “the cited prior art does not teach or fairly suggest a method of modulating cell cholesterol by contacting the cell with octanol.” Office Action, p. 4.

Without acquiescing to the merits of the rejection and solely to expedite prosecution, claim 26 is presently amended to recite:

A method of modulating a cholesterol level of a cell comprising contacting one or more cells with an effective amount of octanol, or octanol and one or more of ceramide, diglyceride and lysophosphatidyl choline, thereby increasing or decreasing the cholesterol level of the one or more cells.

Because the cited reference does not teach each and every element of the claims, Applicants request that this ground of rejection be withdrawn.

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Favorable reconsideration of the application as amended is respectfully requested. The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Respectfully submitted,

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